

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DILLON SOLOMON,

Petitioner,

v.

No. CV 12-1039 JB/LAM

**ERIC H. HOLDER, JR., U.S. ATTORNEY
GENERAL OF THE UNITED STATES;
JANET NAPOLITANO, U.S. SECRETARY
OF HOMELAND SECURITY;
DIRECTOR OF IMMIGRATION AND
CUSTOMS ENFORCEMENT FIELD OFFICE,
DISTRICT OF NEW MEXICO;
PAUL BRYANT, DEPORTATION OFFICER
OFFICE OF DETENTION AND REMOVAL
OPERATION,**

Respondents.

ORDER

THIS MATTER is before the Court, *sua sponte* under rules 1(b) and 4 of the Rules Governing Section 2254 Cases, on Petitioner's petition for writ of habeas corpus [*Doc. 1*]. Also before the Court is Petitioner's *Application to Proceed in District Court Without Prepaying Fees or Costs* (*Doc. 4*), filed October 18, 2012. Although Petitioner names various government officials as Respondents, pursuant to *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004), it appears that Warden Ray Terry of the Otero County Processing Center where Petitioner is being held is the proper Respondent in this proceeding. The Court will order an answer to Petitioner's petition, including briefing on the issue of the proper Respondents in this proceeding.

IT IS THEREFORE ORDERED that Petitioner's *Application to Proceed in District Court Without Prepaying Fees or Costs* (Doc. 4) is **GRANTED**, and Petitioner may proceed without prepayment of costs or other fees or the necessity of giving security therefor;

IT IS FURTHER ORDERED that the Clerk is directed to forward copies of this Order to Respondent Terry at Otero County Processing Center, 26 McGregor Range Rd., Chaparral, NM 88081, and to the United States Attorney for the District of New Mexico, with copies of Petitioner's petition for writ of habeas corpus [Doc. 1] and supporting papers and exhibits, if any;

IT IS FURTHER ORDERED that, **within twenty-three (23) days from entry of this Order**, Respondents answer Petitioner's petition. Respondents are directed to include in the answer a statement of their position, with supporting legal argument, on the issue of the proper Respondents in this proceeding.

IT IS FURTHER ORDERED that, **no later than fourteen (14) days after an Answer is filed**, Petitioner may file a reply brief on the issue of proper Respondents.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE